

HOUSE FILE 2024
BY STECKMAN

A BILL FOR

1 An Act providing for restitution for Medicaid expenditures.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **249A.6A Restitution.**

2 If restitution is ordered by the court pursuant to section
3 910.2, and the victim is a recipient of medical assistance
4 for whom expenditures were made as a result of the offender's
5 criminal activities, restitution may be made to the medical
6 assistance program in accordance with section 910.2.

7 Sec. 2. Section 910.2, Code 2009, is amended to read as
8 follows:

9 **910.2 Restitution or community service to be ordered by**
10 **sentencing court.**

11 1. In all criminal cases in which there is a plea of
12 guilty, verdict of guilty, or special verdict upon which a
13 judgment of conviction is rendered, the sentencing court
14 shall order that restitution be made by each offender to
15 the victims of the offender's criminal activities, to the
16 clerk of court for fines, penalties, surcharges, and, to
17 the extent that the offender is reasonably able to pay, for
18 crime victim assistance reimbursement, restitution to public
19 agencies pursuant to section 321J.2, subsection 9, paragraph
20 "b", restitution to the medical assistance program pursuant
21 to chapter 249A for expenditures paid on behalf of the victim
22 resulting from the offender's criminal activities, court costs
23 including correctional fees approved pursuant to section
24 356.7, court-appointed attorney fees ordered pursuant to
25 section 815.9, including the expense of a public defender,
26 when applicable, or contribution to a local anticrime
27 organization. However, victims shall be paid in full before
28 fines, penalties, and surcharges, crime victim compensation
29 program reimbursement, public agencies, the medical assistance
30 program, court costs including correctional fees approved
31 pursuant to section 356.7, court-appointed attorney fees
32 ordered pursuant to section 815.9, including the expenses
33 of a public defender, or contributions to a local anticrime
34 organization are paid. In structuring a plan of restitution,
35 the court shall provide for payments in the following order

1 of priority: victim, fines, penalties, and surcharges, crime
 2 victim compensation program reimbursement, public agencies, the
 3 medical assistance program, court costs including correctional
 4 fees approved pursuant to section 356.7, court-appointed
 5 attorney fees ordered pursuant to section 815.9, including
 6 the expense of a public defender, and contribution to a local
 7 anticrime organization.

8 2. When the offender is not reasonably able to pay
 9 all or a part of the crime victim compensation program
 10 reimbursement, public agency restitution, medical assistance
 11 program restitution, court costs including correctional fees
 12 approved pursuant to section 356.7, court-appointed attorney
 13 fees ordered pursuant to section 815.9, including the expense
 14 of a public defender, or contribution to a local anticrime
 15 organization, the court may require the offender in lieu
 16 of that portion of the crime victim compensation program
 17 reimbursement, public agency restitution, medical assistance
 18 program restitution, court costs including correctional fees
 19 approved pursuant to section 356.7, court-appointed attorney
 20 fees ordered pursuant to section 815.9, including the expense
 21 of a public defender, or contribution to a local anticrime
 22 organization for which the offender is not reasonably able to
 23 pay, to perform a needed public service for a governmental
 24 agency or for a private nonprofit agency which provides a
 25 service to the youth, elderly, or poor of the community. When
 26 community service is ordered, the court shall set a specific
 27 number of hours of service to be performed by the offender
 28 which, for payment of court-appointed attorney fees ordered
 29 pursuant to section 815.9, including the expenses of a public
 30 defender, shall be approximately equivalent in value to those
 31 costs. The judicial district department of correctional
 32 services shall provide for the assignment of the offender to
 33 a public agency or private nonprofit agency to perform the
 34 required service.

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EXPLANATION

2 This bill includes in the listing of entities that may be
3 paid restitution by a criminal offender, the medical assistance
4 program for expenditures paid on behalf of the victim that were
5 the result of the offender's criminal activities. The bill
6 provides that the victim is to be paid in full before any such
7 restitution is paid to the medical assistance program and other
8 specified entities.